

Message Text

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TO AMEMBASSY BONN PRIORITY

USMISSION BERLIN PRIORITY

INFO AMEMBASSY BERN

USMISSION GENEVA

AMEMBASSY LONDON

AMEMBASSY MOSCOW

USMISSION NATO

AMEMBASSY PARIS

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 051797

E. O. 11652: GDS

TAGS: ETEL, PFOR, GW, GE, WB, US, UK, FR, UN

REFS: A) BONN 3444, B) STATE 27522, C) STATE 19586

SUUJECT: ALLIED DISCLAIMERS TO ITU AND UPU

1. THE DEPARTMENT BELIEVES FURTHER WORK IS NECESSARY ON
THE BONN GROUP' S DRAFT DISCLAIMER TEXTS (PARAS 3 AND 4,
REFTEL A) TO BRING THEM INTO LINE WITH GUIDANCE PROVIDED
IN REFTEL C. (FYI: DEPARTMENT STILL HAS OPEN MIND ON
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WHETHER FILING A DISCLAIMER WITH UPU WOULD SERVE ANY USEFUL PURPOSE; WE WILL DEFER A DECISION UNTIL WE HAVE A BETTER IDEA OF WHAT FINAL UPU TEXT MAY EMERGE.)

2. THE QUESTION OF HOW THE US WILL VOTE ON THE GDR'S MEMBERSHIP APPLICATIONS TO ITU AND UPU IS NOW UNDER ACTIVE CONSIDERATION IN WASHINGTON. SINCE EACH OF THE ALLIES IS VOTING SEPARATELY BY POSTAL BALLOT, THERE IS NO REASON TO LINK THE APPROVAL MATTER WITH THE ISSUANCE OF DISCLAIMERS COVERING OUR QUADRIpartite RIGHTS. ACCORDINGLY, THE DRAFT TEXTS SHOULD BE REVISED TO INCLUDE ONLY THE MOST GENERAL REFERENCE TO GDR ENTRY INTO THE UPU AND ITU.

3. THE DEPARTMENT ALSO REGARDS IT AS INADVISABLE TO HAVE OUR TEXTS PARALLEL THE LANGUAGE OF FOUR POWER DECLARATION OF NOVEMBER 9, 1972. NO ACTION OF THE GDR, SUCH AS JOINING OR PARTICIPATING IN INTERNATIONAL ORGANIZATIONS LIKE

ITU OR UPU, CAN, IN OUR VIEW, AFFECT QUADRIpartite RIGHTS AND RESPONSIBILITIES. THIS NEED NOT BE STATED SPECIFICALLY IN A TRIpartite DISCLAIMER, AND THE VERY EFFORT TO DO SO COULD CALL FORTH AN UNDESIREd SOVIET RESPONSE. (FYI: THE QUADRIpartite DECLARATION REFERRED TO BOTH THE FRG AND GDR; THE DRAFT DISCLAIMER IN REFTEL A REFERS ONLY TO THE GDR. END FYI.).

4. FOR THESE REASONS, THE DEPARTMENT WOULD PREFER DISCLAIMERS WHICH FOCUS ON THE RIGHTS AND SPECIFIC ALLIED PRACTICES WE INTEND TO PRESERVE. THE RECENT DRAFTS PREPARED FOR ICAO DISCLAIMER (BONN 2812 AND BERLIN 350), AND THOSE USED PREVIOUSLY FOR CIM/ CIV (BONN 13521) SEEM TO US GOOD MODELS. WE WOULD THEREFORE SUGGEST SOMETHING ALONG THE FOLLOWING LINES FOR THE ITU: QUOTE: WITH REFERENCE TO THE ADMISSION OF THE GERMAN DEMOCRATIC REPUBLIC TO THE INTERNATIONAL TELECOMMUNICATIONS UNION, THE GOVERNMENT OF (BLANK) WISHES TO RECALL THAT FRANCE, THE UNITED KINGDOM, AND THE UNITED STATES HAVE SPECIAL RIGHTS AND RESPONSIBILITIES RELATING TO TELECOMMUNICATIONS IN BERLIN AND BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FEDERAL REPUBLIC OF GERMANY. THESE RIGHTS AND RESPONSIBILITIES ARE REFLECTED IN QUADRIpartite AGREEMENTS, CONFIDENTIAL

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DECISIONS, AND PRACTICES. AS INDICATED IN THE QUADRIpartite-

TITE DECLARATION OF NOVEMBER 9, 1972, THEY WILL CONTINUE UNAFFECTED IN THE FUTURE. THEREFORE, NEITHER THE CONVENTION OF THE INTERNATIONAL TELECOMMUNICATIONS UNION, NOR ITS ANNEXES, NOR ANY OTHER INTERNATIONAL TELECOMMUNICATIONS REGULATIONS WILL APPLY TO ALLIED TELECOMMUNICATIONS WITHIN BERLIN, OR BETWEEN THE WESTERN SECTORS OF BERLIN AND THE FRG. ADDITIONALLY, ENTRY OF THE GDR INTO THE ITU WOULD NOT IMPLY ANY CHANGE IN THE POSITION OF THE (BLANK) GOVERNMENT CONCERNING THE STATUS OF BERLIN. THE (BLANK) GOVERNMENT WOULD BE GRATEFUL IF THE INTERNATIONAL TELECOMMUNICATIONS UNION WOULD INFORM ITS MEMBER STATES OF THE CONTENTS OF THIS NOTE. END QUOTE.

5. AFTER DETERMINING WHETHER USBER HAS ANY TECHNICAL AMENDMENTS IT WISHES TO MAKE TO THE TEXT IN THE FOREGOING PARAGRAPH, THE EMBASSY IS REQUESTED TO PRESENT AMENDED DRAFT ALONG THESE LINES FOR BONN GROUP CONSIDERATION. A PARALLEL TEXT COULD BE SUGGESTED FOR A UPU DISCLAIMER. ROGERS

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*** Current Classification *** CONFIDENTIAL

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